

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 68-82 are pending in the application, with claims 68 and 82 being the independent claims.

Based on the following Remarks, Applicants respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Election/Restriction

The Office Action withdrew claims 69-72, 75, and 78-81 as allegedly being directed to an invention that is independent or distinct from the invention originally claimed. More specifically, the Office Action alleges that the newly presented claims are directed to the individual devices and diagnostics capabilities of the system rather than the wearable computer apparatus originally claimed. The Applicants respectfully disagree.

The Applicants agree that the claims as originally filed were directed to a wearable computer apparatus. However, one of the many uses of the wearable computer system is for testing and diagnostic applications. A previous Office Action (mail date January 31, 2002) was issued examining the merits of the claims being directed to a wearable computer apparatus for use in testing and diagnostic applications.

In another previous Office Action Response (*see* Response filed May 31, 2002), the Applicants added claims that were directed to facilitate the testing and diagnosing of the condition of a device. Subsequently, an Office Action (mail date, August 23, 2002) was issued with an examination of these claims being directed to testing and diagnosing the condition of a device. Accordingly, the previously issued Office Actions have examined

claims directed to testing and diagnosing. Therefore, the inclusion of claims 69-72, 75, and 78-81 for examination does not create an undue burden for the Examiner and the art has already been searched by the Examiner.

Moreover, the withdrawn claims, claims 69-72, 75, and 78-81, contain subject matter previously examined. More particularly, claims 69-71 and 81 includes subject matter similar to canceled claim 27; claim 72 includes subject matter similar to canceled claim 36; claim 75 includes subject matter similar to canceled claims 3 and 15; claim 78 includes subject matter similar to canceled claim 18; and claims 79-80 includes subject similar to canceled claim 37. Canceled claims 3, 15, 18, 27, 36, and 37 have all been previously examined on their merits.

Therefore, it is respectfully request that the Examiner reconsider the decision to withdraw claims 69-72, 75, and 78-81 from examination and issue another Office Action that includes an examination on the merits of claims 69-72, 75, and 78-81.

Rejections Under 35 U.S.C. § 112

In the Office Action, claim 76 was rejected under 35 U.S.C. 112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as their invention. More particularly, the Office Action alleged that the element of “image data” in line 1 of claim 76 does not have sufficient antecedent basis (see Office Action, mail date February 11, 2003, Para. 4). The Applicants respectfully traverse this rejection.

The element of “image data” of claim 76 indeed has sufficient antecedent basis. Claim 76 ultimately depends from claim 68. Claim 68 recites the element of “image data,”

for example, on line 6 of claim 68. It is respectfully submitted that claim 76 is definite and that the rejection be withdrawn.

Rejections Under 35 U.S.C. § 102

In the Office Action, claims 68, 73, 74, and 76 were rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Turley et al., U.S. Patent No. 5,831,198 ("Turley"). The Applicants respectfully traverse this rejection.

Claims 68, 73, 74 and 76 recite, *inter alia*, a system including a wearable apparatus for on-site testing and diagnostic analysis of a device that include a data collection instrument for collecting Property Data of a device, a microphone for providing first audio data to a computer, and a speaker for providing second audio data from the computer to a user of the wearable apparatus.

The Office Action alleges that Turley discloses a data collection instrument for collecting Property Data of a device (see Office Action, mail date February 11, 2002, Para 6). More specifically, the Office Action relies on the Turley's disclosure of a data collection instrument 530. The Applicants respectfully disagree.

Turley fails to disclose a data collection instrument for the collecting Property Data, as recited by claims 68, 73, 74 and 76. Instead, Turley discloses a wiring harness assembly for a Land Warrior system (Turley, col. 2, lines 49-50). Turley discloses that the wiring harness assembly includes a computer/radio subsystem, an integrated Helmet Assembly Subsystem (IHAS), a software subsystem, a protective clothing and individual equipment subsystem, and a weapon subsystem (Turley, col. 2 lines 53-65, Fig. 1). Turley also discloses that a sensor segment 980 is interfaced with the computer/radio subsystem (Turley, col. 2,

lines 61-63). As part of the sensor segment, Turley discloses that the sensor segment 980 includes a range finder/digital compass assembly 530 (Turley, col. 5, lines 14-15) and not a data collection instrument for collecting Property Data of a device.

Although, arguably, the range finder/compass assembly provides information relating to direction and/or distance to a target, the range finder/compass assembly does not collect Property Data of a device. Instead, the ranger finder/compass assembly provides distance information of a user to a target. It may also provide the direction of the user with respect to true north. Distance to a target and direction of user do not relate to a particular device. Accordingly, Turley fails to disclose this element of the invention of claims 68, 73, 74 and 76 and the invention is distinguishable over the prior art.

Additionally, Turley also fails to disclose a microphone for providing first audio data to the computer and a speaker for providing second audio data. The Office Action alleges that Turley discloses a microphone by citing to element 432. However, this reliance is misplaced. Rather, Turley discloses that element 432 is part of the IHAS subsystem, in particular, a mounted display for the IHAS subsystem (Turley, col. 3, lines 50-53). Clearly, a mounted display is not a microphone. Although Turley discloses a microphone 450 in Fig. 4, Turley fails to include any discussion related to the microphone 450 in the Detailed Description much less how microphone 450 is interfaced with the Land Warrior system. In fact, Turley fails to disclose the term microphone in the Background, Summary, Claims or Abstract. Accordingly, Turley fails to disclose a microphone for providing first audio data to a computer.

Moreover, Turley further fails to disclose a speaker for providing second audio data. The Office Action relied on Turley to disclose a speaker and specifically pointed to element

400 to disclose a speaker (see Office Action, Para. 6). However, this reliance is clearly erroneous. Instead, Turley discloses that element 400 is the IHAS subsystem (Turley, col. 2, lines 59-60, see also col. 4, lines 42-43). Turley discloses that the IHAS subsystem is configured to be a subsystem for displaying data to a soldier (Turley, col. 4, lines 44-54). A mounted display is clearly not a speaker. Accordingly, Turley also fails to disclose a speaker for providing second audio data to a computer as recited by claims 68, 73, 74 and 76 and thus, claims 68, 73, 74 and 76 are distinguishable over the cited prior art.

Rejections Under 35 U.S.C. § 103

The Office Action rejected claims 68, 77, and 82 as allegedly being unpatentable over Turley. The Applicants respectfully traverse the rejection.

The Office Action alleges that Turley teaches the invention of claim 68, 77, and 82 except for a second video camera. The Office Action attempts to remedy this deficiency by suggesting it would have been obvious to one of ordinary skill in the art to connect an additional camera to the system at the time of invention in order provide additional means of collecting imaging data. However, the Applicant respectfully disagrees.

Claims 68, 73, 74, and 76 recite, *inter alia*, a system including a wearable apparatus for on-site testing and diagnostic analysis of a device that include a data collection instrument for collecting Property Data of a device, a microphone for providing first audio data to a computer, and a speaker for providing second audio data from the computer to a user of the wearable apparatus.

As discussed above, Turley fails to teach or suggest a system that includes a data collection instrument, a microphone, and a speaker with respect to claim 68. Accordingly,

Turley fails to teach or suggest each and every element of the invention of claims 68, 73, 74, and 76. Therefore it is respectfully submitted that claims 68, 73, 74, and 76 are distinguishable over the cited prior art and that the rejection to these claims be withdrawn.

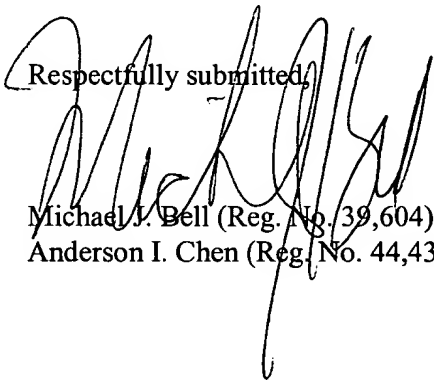
Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 08-3038 referencing the above-docket number. *A duplicate copy of this Petition is enclosed.*

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,


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